

19-1729

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff **Bucks County**
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

County of Residence of First Listed Defendant Mercer County
(IN U.S. PLAINTIFF CASES ONLY)

Attorneys (If Known)

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☒ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<ul style="list-style-type: none">110 Insurance120 Marine130 Miller Act140 Negotiable Instrument150 Recovery of Overpayment & Enforcement of Judgment151 Medicare Act152 Recovery of Defaulted Student Loans (Excludes Veterans)153 Recovery of Overpayment of Veteran's Benefits160 Stockholders' Suits190 Other Contract195 Contract Product Liability196 Franchise	PERSONAL INJURY <ul style="list-style-type: none">310 Airplane315 Airplane Product Liability320 Assault, Libel & Slander330 Federal Employers' Liability340 Marine345 Marine Product Liability350 Motor Vehicle355 Motor Vehicle Product Liability360 Other Personal Injury362 Personal Injury - Medical Malpractice	PERSONAL INJURY <ul style="list-style-type: none">365 Personal Injury - Product Liability367 Health Care/ Pharmaceutical Personal Injury Product Liability368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <ul style="list-style-type: none">370 Other Fraud371 Truth in Lending380 Other Personal Property Damage385 Property Damage Product Liability	<ul style="list-style-type: none">625 Drug Related Seizure of Property 21 USC 881690 Other	<ul style="list-style-type: none">422 Appeal 28 USC 158423 Withdrawal 28 USC 157 PROPERTY RIGHTS <ul style="list-style-type: none">820 Copyrights830 Patent835 Patent - Abbreviated New Drug Application840 Trademark SOCIAL SECURITY <ul style="list-style-type: none">861 HIA (1395ff)862 Black Lung (923)863 DIWC/DIWW (405(g))864 SSID Title XVI865 RSI (405(g))	<ul style="list-style-type: none">375 False Claims Act376 Qui Tam (31 USC 3729(a))400 State Reapportionment410 Antitrust430 Banks and Banking450 Commerce460 Deportation470 Racketeer Influenced and Corrupt Organizations480 Consumer Credit490 Cable/Sat TV850 Securities/Commodities/ Exchange890 Other Statutory Actions891 Agricultural Acts893 Environmental Matters895 Freedom of Information Act896 Arbitration899 Administrative Procedure Act/Review or Appeal of Agency Decision950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	FEDERAL TAX SUITS	
<ul style="list-style-type: none">210 Land Condemnation220 Foreclosure230 Rent Lease & Ejectment240 Torts to Land245 Tort Product Liability290 All Other Real Property	<ul style="list-style-type: none">440 Other Civil Rights441 Voting442 Employment443 Housing/ Accommodations445 Amer w/Disabilities - Employment446 Amer w/Disabilities - Other448 Education	Habeas Corpus: <ul style="list-style-type: none">463 Alien Detainee510 Motions to Vacate Sentence530 General535 Death Penalty Other: <ul style="list-style-type: none">540 Mandamus & Other550 Civil Rights555 Prison Condition560 Civil Detainee - Conditions of Confinement	<ul style="list-style-type: none">710 Fair Labor Standards Act720 Labor/Management Relations740 Railway Labor Act751 Family and Medical Leave Act790 Other Labor Litigation791 Employee Retirement Income Security Act IMMIGRATION <ul style="list-style-type: none">462 Naturalization Application465 Other Immigration Actions	<ul style="list-style-type: none">870 Taxes (U.S Plaintiff or Defendant)871 IRS Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (*Do not cite jurisdictional statutes unless diversity*)
Diversity 28 USC 1332

Brief description of cause:

Motor Vehicle Rear End Accident

VII. REQUESTED IN COMPLAINT:

- ☐ CHECK IF THIS IS A CLASS ACTION
UNDER RULE 23, F.R.Cv.P.

DEMAND \$
95.000 00

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

**VIII. RELATED CASE(S)
IF ANY**

(See instructions)

JUDGE

DOCKET NUMBER

DATE _____

SIGNATURE OF ATTORNEY OF RECORD

04/22/2019

Richard A Weisbord, Esquire

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG JUDGE

APR 22 2019

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: _____ Fairless Hills, PA _____

Address of Defendant: _____ Ewing, NJ _____

Place of Accident, Incident or Transaction: _____ Falls Township, PA _____

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE 04/22/2019

Attorney-at-Law / Pro Se Plaintiff

12630
Attorney I D # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☒ 4. Marine Personal Injury
- ☒ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify) _____
- ☐ 7. Products Liability
- ☐ 8. Products Liability - Asbestos
- ☐ 9. All other Diversity Cases
(Please specify) _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, _____, counsel of record or pro se plaintiff, do hereby certify

- ☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- ☐ Relief other than monetary damages is sought

DATE _____
Attorney-at-Law / Pro Se Plaintiff *Attorney I D # (if applicable)*

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F R C P 38

APR 22 2019

CASE MANAGEMENT TRACK DESIGNATION FORM

CIVIL ACTION

NO.

19-1729

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

**Catherine Martino and Ronald
Martino, her husband**
Attorney for Plaintiff

rw@weisbordlaw.com
E-Mail Address

APR 22 2019

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Attorney for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Catherine Martino and Ronald Martino,
her husband

Plaintiff

vs.

Jennifer Walsh

Defendant.

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CIVIL ACTION

NO.:

COMPLAINT

1. Plaintiffs Catherine Martino and Ronald Martino, her husband, are adult citizens of the Commonwealth of Pennsylvania, residing at 124 Canterbury Road, Fairless Hills, PA 19030.
2. Defendant Jennifer Walsh is an adult residing at 1475 Parkside Ave, Ewing, NJ 08638.
3. The amount in controversy is in excess of \$75,000.00.
4. Jurisdiction of this court is based upon diversity of citizenship. 28 U.S.C. §1332.
5. At all times material hereto, Catherine Martino was operating a 2013 Honda CRV travelling from eastbound Woolston Drive onto the onramp to southbound Route 1 in Falls Township, Bucks County, Pennsylvania.

6. At all times material hereto, Jennifer Walsh was the owner and operator of a 2011 Mazda CX7 travelling from eastbound Woolston Drive onto the onramp to southbound Route 1 in Falls Township, Bucks County, Pennsylvania behind the aforesaid Martino vehicle.
7. On or about August 18, 2017, at approximately 4:15 p.m., the vehicle operated by defendant Walsh came in contact with the rear of the vehicle operated by plaintiff Martino.
8. The aforesaid accident was due to the carelessness and negligence of the defendant Jennifer Walsh.
9. Defendant Jennifer Walsh was careless and negligent in:
 - a. Failing to keep her vehicle under proper control;
 - b. Failing to maintain a proper lookout;
 - c. Failing to see that which was plainly visible;
 - d. Failing to maintain an assured clear distance;
 - e. Traveling at an excessive rate of speed under the circumstances;
 - f. Failing to operate her vehicle so as to avoid collision with stopped vehicles lawfully stopped on the roadway:
 - g. Failing to use due care under all the circumstances.
10. As a result of the aforesaid accident, wife plaintiff was caused to sustain serious personal injuries: she suffered injury to her cervical and lumbosacral spine, including the bones, muscles, nerves, tendons, tissues, ligaments, cartilages and intervertebral discs thereof; she suffered aggravation of pre-existing degenerative disc disease; she suffered cervical radiculopathy; she suffered a closed head injury resulting in occipital neuralgia; she suffered other orthopedic and neurologic injury, the full extent of which is not presently known; she has in the past, and may in the future require medical care and attention for

treatment of the aforesaid injuries; she has in the past, and may in the future be required to expend moneys for medical treatment of the aforesaid injuries; she has in the past and may in the future be disabled from performing her usual activities; she has in the past, and may in the future, suffer agonizing aches pains and mental anguish, all to her great loss and detriment.

11. As a result of the injuries to wife plaintiff as aforesaid, husband plaintiff has been deprived of the society, care, companionship and consortium of wife plaintiff, all to his great loss and detriment.
12. Plaintiff was insured in Pennsylvania pursuant to an insurance policy that provided for the "full tort" option, and claim is made for both economic and non economic damages.

WHEREFORE, plaintiffs claim of the defendant sums in excess of Seventy-five Thousand (\$75,000.00) Dollars, and bring this action to recover same.

Respectfully submitted,

WEISBORD & WEISBORD, P.C.

BY: 

RICHARD A. WEISBORD, ESQUIRE
Attorney for Plaintiffs